

Amendments to the Drawings

The drawing sheet 3/4 has been amended to add new FIGURE 3D, which shows one example of elements 28 and 38 to be arranged in an “offset” relationship. Appended to this Reply and Amendment is an annotated copy of the drawing sheet 3/4 which has been marked to show changes (i.e. the addition of new FIGURE 3D) presented in the replacement drawing sheet 3/4.

The Applicants believe that the subject matter of new FIGURE 3D is supported in the Specification at (among others) paragraph 0021, lines 11-14, and that addition of new FIGURE 3D would not constitute new matter.

The Applicants respectfully request acceptance and entry of New FIGURE 3D.

REMARKS

This Reply and Amendment is intended to be completely responsive to the Office Action dated May 5, 2005. Claims 1-34 are pending in this Application. Claims 12-14, 19, 22-24, 31-32 and 34 are currently withdrawn. Claims 1-11, 15-18, 20-21, 25-30 and 33 stand rejected. Claims 1-5, 8-11, 16-18, 20, 25, 27-28 and 30 have been amended. New FIGURE 3D has been added. The Specification has been amended to add new paragraph 0014.1 related to the addition of new FIGURE 3D.

Drawings

In Section 3 of the Office Action, the Examiner objected to the drawings because the “partially offset relationship” recited in Claim 18 must be shown or canceled from the claim.

The Applicants have added new FIGURE 3D which shows one example of a “partially offset relationship” and is supported by the Specification at (among others) paragraph 0021, lines 11-14.

The Applicants submit that new FIGURE 3D does not constitute new matter and properly addresses the objection under 37 C.F.R. § 1.83(a) to the drawings. The Applicants respectfully request withdrawal of the objection to the drawings.

Claims Objections

In Section 4 of the Office Action, the Examiner objected to dependent Claims 11 and 27 because on an informality regarding Markush group format.

The Applicants have amended dependent Claims 11 and 27 to recite Markush group format as suggested by the Examiner. The Applicants believe the objection to dependent Claims 11 and 27 has been overcome and respectfully request withdrawal of the claim objections.

Claim Rejection – 35 U.S.C. § 112 ¶ 2

In Section 6 of the Office Action, the Examiner rejected Claim 5 as being indefinite because there is insufficient antecedent basis in dependent Claim 5 for the limitation “the receptacle.”

The Applicants have amended dependent Claim 5 to address the antecedent basis for the “receptacle.” The Applicants believe that the rejection to dependent Claim 5 has been overcome and respectfully request reconsideration and allowance of dependent Claim 5.

Claim Rejections – 35 U.S.C. § 102(b)(e)

In Section 8 of the Office Action, the Examiner rejected Claims 1-5, 8, 10, 15-18, 20-21, 25-26, 28, 30 and 33 as being anticipated by U.S. Patent No. 6,732,395 issued to Gringer (“Gringer”).

In Section 9 of the Office Action, the Examiner rejected Claims 1-5, 8, 10, 16-18, 20-21, 25-26, 28, 30 and 33 as being anticipated by U.S. Patent No. 4,268,927 issued to Birdwell (“Birdwell”).

Gringer discloses a “scraper” with an elongated “handle 11” having a “cavity 38” and a single “magnet 35 fixedly disposed … at recess end wall 36” and a “metallic file 40 [that] is slidably received … in cavity 28” (see col. 2, lines 30-34).

Birdwell discloses a “hammer handle” with “recesses 136” each with a single “magnet insert 138” to “retain” tools made from a “ferrous material” (see col. 5, lines 27 and 39-41).

Claims 1-5 and 8

Claim 1 is in independent form. Dependent Claims 2-5 and 8 depend from independent Claim 1 (as amended). Claim 1 (as amended) recites a “retention system for a hand tool combination” comprising, in combination with other elements, a “first magnet having a first polarity coupled to the primary tool” and “a second magnet having a second polarity coupled to the secondary tool.” A “retention system for a hand tool combination” as recited in Claim 1 (as amended) is not disclosed, taught or suggested by Gringer or Birdwell. Claims 2-5 and 8 depend from independent Claim 1 (as amended).

Accordingly, the Applicants believe that the rejections under 35 U.S.C. § 102(b)(e) have been overcome and respectfully request reconsideration and allowance of Claims 1-5 and 8.

Claims 10, 15-18

Claim 10 is in independent form. Dependent Claims 15-18 depend from independent Claim 10 (as amended). Claim 10 (as amended) recites a “combination hand tool” comprising, in combination with other elements, a “first magnet having a first polarity coupled to the primary hand tool” and a “second magnet having a second polarity opposite the first polarity and coupled to the secondary hand tool.” A “combination hand tool” as recited in Claim 10 (as amended) is not disclosed, taught or suggested by Gringer or Birdwell. Claims 15-18 depend from independent Claim 10 (as amended).

Accordingly, the Applicants believe that the rejections under 35 U.S.C. § 102(b)(e) have been overcome and respectfully request reconsideration and allowance of Claims 10 and 15-18.

Claims 20-21 and 25-26

Claim 20 is in independent form. Dependent Claims 21 and 25-26 depend from independent Claim 20 (as amended). Claim 20 (as amended) recites a “system for storing a first object in connection with a second object” comprising, in combination with other elements, a “first retainer having a first magnet with a first polarity coupled to the first object” and a “second retainer having a second magnet with a second polarity coupled to the second object.” A “system for storing a first object in connection with a second object” as recited in Claim 20 (as amended) is not disclosed, taught or suggested by Gringer or Birdwell. Claims 21 and 25-26 depend from independent Claim 20 (as amended).

Accordingly, the Applicants believe that the rejections under 35 U.S.C. § 102(b)/(e) have been overcome and respectfully request reconsideration and allowance of Claims 20-21 and 25-26.

Claims 28, 30 and 33

Claim 28 is in independent form. Dependent Claims 30 and 33 depend from independent Claim 28 (as amended). Claim 28 (as amended) recites an “apparatus comprising a first hand tool having a receptacle and a second hand tool configured for storage within the receptacle” comprising, in combination with other elements, a “first magnet with a first polarity coupled to the first hand tool and a second magnet with a second polarity coupled to the second hand tool.” An “apparatus comprising a first hand tool having a receptacle and a second hand tool configured for storage within the receptacle” as recited in Claim 28 (as amended) is not disclosed, taught or suggested by Gringer or Birdwell. Claims 30 and 33 depend from independent Claim 28 (as amended).

Accordingly, the Applicants believe that the rejections under 35 U.S.C. § 102(b)/(e) have been overcome and respectfully request reconsideration and allowance of Claims 28, 30 and 33.

Claim Rejections – 35 U.S.C. § 103(a)

Claim 9

In Section 11, the Examiner rejected dependent Claim 9 in view of Bridwell and Gringer. Dependent Claim 9 dependent from independent Claim 1 (as amended). As previously described, independent Claim 1 has been amended to recite a combination of subject matter that the Applicants believe is allowable in view of Bridwell and Gringer.

In addition, dependent Claim 9 has been amended to recite subject matter that is not disclosed, taught or suggested by Bridwell or Gringer.

Accordingly, the Applicants respectfully request withdrawal of the rejection and reconsideration and allowance of dependent Claim 9

Claims 1-11, 16-17, 20-21, 25-30 and 33

In Section 12, the Examiner rejected Claims 1-11, 16-17, 20-21, 25-30 and 33 over U.S. Patent No. 5,701,675 to Hall et al. (“Hall et al.”) in view of U.S. Patent No. 6,662,531 issued to Escobedo et al. (“Escobedo et al.”).

Hall et al. discloses an “axe combination tool” having a “securing assembly 46” with a “spring 68 that biases the member 44 so that its first end projects through opening 64 ... and is received within hold 42 of handle 12 when the knife 48 is completely received within the handle” (see col. 4, lines 15-19).

Escobedo et al. shows a “drywall tool” having a “handle 16” with an “orifice 26” and a single “magnet within orifice 26” to “receive the screwdriver bit 18” (see col. 4, lines 46-47).

Independent Claim 1 has been amended (as previously described) and now recites a combination of subject matter that, when taken as a whole, the Applicants believe is not disclosed, taught or suggested by Hall et al., alone or in any proper combination with Escobedo et al. Dependent Claims 2-9 depend from independent Claim 1 (as amended).

Accordingly, the Applicants respectfully request reconsideration and allowance of Claims 1-9.

Independent Claim 10 has been amended (as previously described) and now recites a combination of subject matter that, when taken as a whole, the Applicants believe is not disclosed, taught or suggested by Hall et al., alone or in any proper combination with Escobedo et al. Dependent Claims 11 and 16-17 depend from independent Claim 10 (as amended). Accordingly, the Applicants respectfully request reconsideration and allowance of Claims 10-11 and 16-17.

Independent Claim 20 has been amended (as previously described) and now recites a combination of subject matter that, when taken as a whole, the Applicants believe is not disclosed, taught or suggested by Hall et al., alone or in any proper combination with Escobedo et al. Dependent Claims 21 and 25-27 depend from independent Claim 20 (as amended). Accordingly, the Applicants respectfully request reconsideration and allowance of Claim 20-21 and 25-27.

Independent Claim 28 has been amended (as previously described) and now recites a combination of subject matter that, when taken as a whole, the Applicants believe is not disclosed, taught or suggested by Hall et al., alone or in any proper combination with Escobedo et al. Dependent Claims 29-30 and 33 depend from independent Claim 28 (as amended). Accordingly, the Applicants respectfully request reconsideration and allowance of Claim 28-30 and 33.

* * *

The Applicants respectfully submit that each and every outstanding objection and rejection to the drawings and the claims has been overcome, and the Application is in condition for allowance. Claims 1-5, 8-11, 16-18, 20, 25, 27-28 and 30 have been amended. New FIGURE 3D has been added. The Specification has been amended to add new paragraph 0014.1 related to the addition of new FIGURE 3D. The Applicants respectfully request reconsideration and allowance of Claims 1-11, 15-18, 20-21, 25-30 and 33.

* * *

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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FIGURE 3A

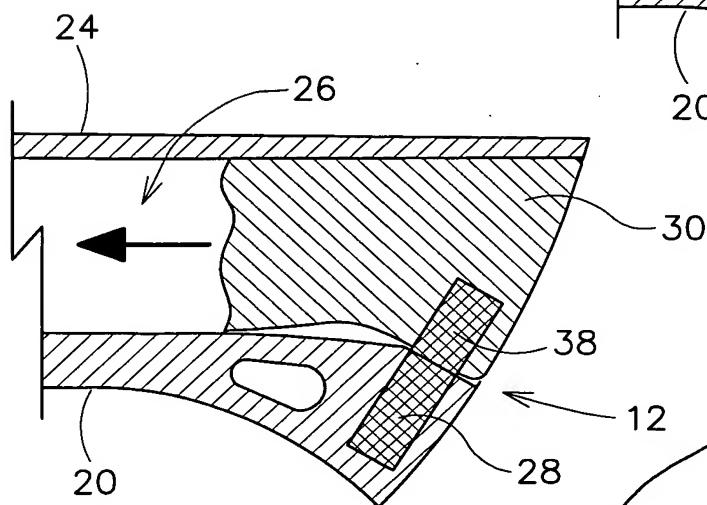
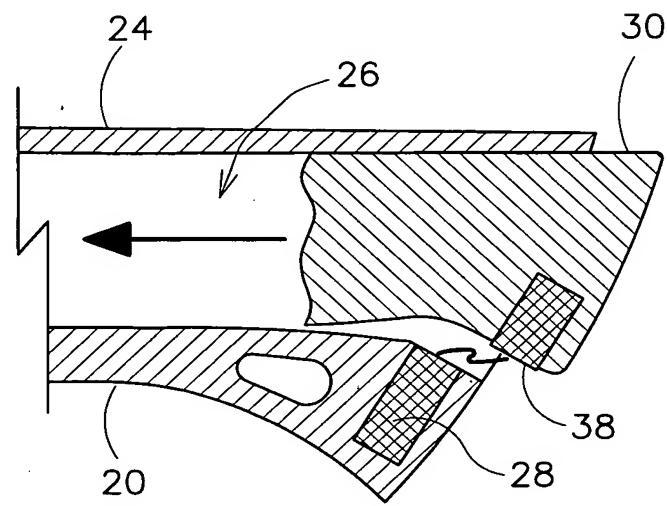
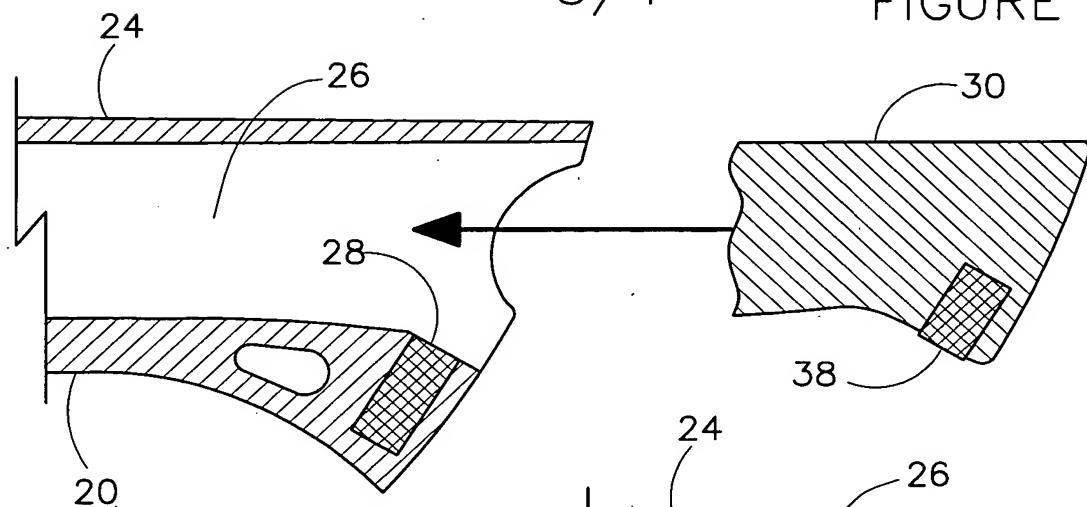


FIGURE 3B

FIGURE 3C

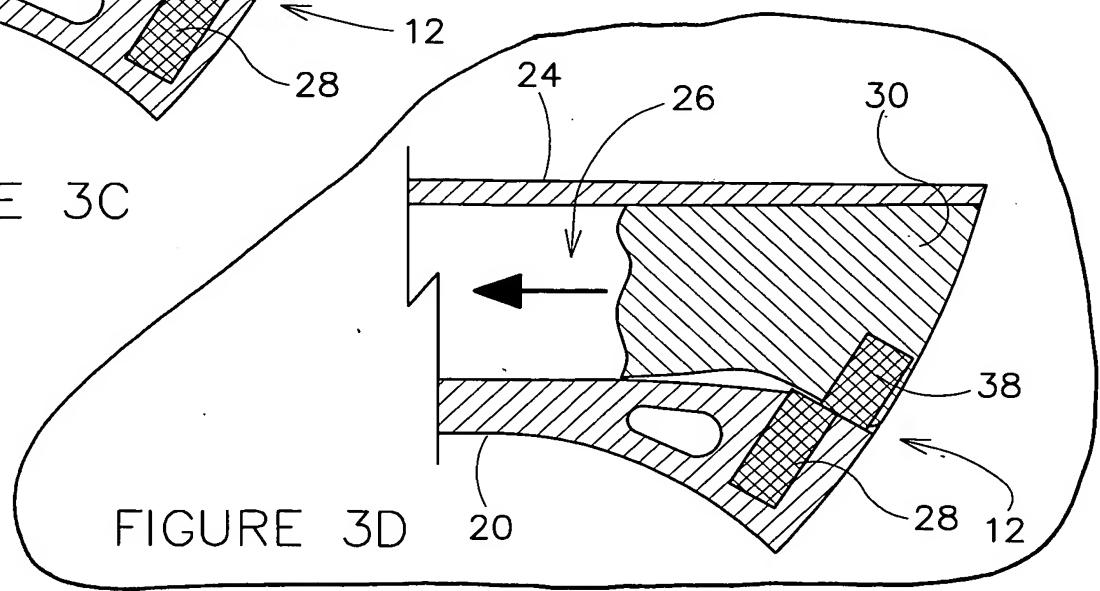


FIGURE 3D